

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
CIVIL APPEAL PRE-ARGUMENT STATEMENT (FORM C)**

1. SEE NOTICE ON REVERSE

2. PLEASE TYPE OR PRINT

3. STAPLE ALL ADDITIONAL PAGES

Case Caption: U.S. Equal Employment Opportunity Commission, Plaintiff-Appellant, v. International Association of Bridge Structural and Ornamental Ironworkers Local 580; Joint Apprentice-Journeymen Educational Fund of the Architectural Ornamental Iron Workers Local 580; and Allied Building Metal Industries, Defendants		District Court or Agency: S.D.N.Y.		Judge: Lewis A. Kaplan	
		Date the Order or Judgment Appealed from was Entered on the Docket: Nov. 6, 2024		District Court Docket No.: 71-cv-02877(LAK)	
		Date the Notice of Appeal was Filed: Jan. 3, 2025		Is this a Cross Appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

  

<b>Attorney(s) for Appellant(s):</b>  <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	Counsel's Name:      Address:      Telephone No.:      Fax No.:      E-mail: Gail S.. Coleman Equal Employment Opportunity Commission, Office of General Counsel 131 M Street, NE, 5th Floor Washington, DC 20507 (202) 921-2920    gail.coleman@eeoc.gov				
<b>Attorney(s) for Appellee(s):</b>  <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	Counsel's Name:      Address:      Telephone No.:      Fax No.:      E-mail:				

  

Has Transcript Been Prepared?  n/a	Approx. Number of Transcript Pages:  0	Number of Exhibits Appended to Transcript:  n/a	Has this matter been before this Circuit previously? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If Yes, provide the following:  Case Name:  2d Cir. Docket No.:      Reporter Citation: (i.e., F.3d or Fed. App.)		
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**ADDENDUM "A": COUNSEL MUST ATTACH TO THIS FORM: (1) A BRIEF, BUT NOT PERFUNCTORY, DESCRIPTION OF THE NATURE OF THE ACTION; (2) THE RESULT BELOW; (3) A COPY OF THE NOTICE OF APPEAL AND A CURRENT COPY OF THE LOWER COURT DOCKET SHEET; AND (4) A COPY OF ALL RELEVANT OPINIONS/ORDERS FORMING THE BASIS FOR THIS APPEAL, INCLUDING TRANSCRIPTS OF ORDERS ISSUED FROM THE BENCH OR IN CHAMBERS.**

**ADDENDUM "B": COUNSEL MUST ATTACH TO THIS FORM A LIST OF THE ISSUES PROPOSED TO BE RAISED ON APPEAL, AS WELL AS THE APPLICABLE APPELLATE STANDARD OF REVIEW FOR EACH PROPOSED ISSUE.**

  

**PART A: JURISDICTION**

1. <u>Federal Jurisdiction</u>  <input checked="" type="checkbox"/> U.S. a party <input type="checkbox"/> Diversity <input type="checkbox"/> Federal question (U.S. not a party) <input type="checkbox"/> Other (specify): _____	2. <u>Appellate Jurisdiction</u>  <input type="checkbox"/> Final Decision <input type="checkbox"/> Order Certified by District Judge (i.e., Fed. R. Civ. P. 54(b)) <input type="checkbox"/> Interlocutory Decision Appealable As of Right <input checked="" type="checkbox"/> Other (specify): <u>28 U.S.C. 1292(a)(1)</u>
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**IMPORTANT. COMPLETE AND SIGN REVERSE SIDE OF THIS FORM.**

**PART B: DISTRICT COURT DISPOSITION (Check as many as apply)**

<b>1. Stage of Proceedings</b> <input checked="" type="checkbox"/> Pre-trial <input type="checkbox"/> During trial <input type="checkbox"/> After trial	<b>2. Type of Judgment/Order Appealed</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="checkbox"/> Default judgment  <input type="checkbox"/> Dismissal/FRCP 12(b)(1) lack of subject matter juris.  <input type="checkbox"/> Dismissal/FRCP 12(b)(6) failure to state a claim  <input type="checkbox"/> Dismissal/28 U.S.C. § 1915(e)(2) frivolous complaint  <input type="checkbox"/> Dismissal/28 U.S.C. § 1915(e)(2) other dismissal         </div> <div style="width: 48%;"> <input type="checkbox"/> Dismissal/other jurisdiction  <input type="checkbox"/> Dismissal/merit  <input type="checkbox"/> Judgment / Decision of the Court  <input type="checkbox"/> Summary judgment  <input type="checkbox"/> Declaratory judgment  <input type="checkbox"/> Jury verdict  <input type="checkbox"/> Judgment NOV  <input type="checkbox"/> Directed verdict  <input checked="" type="checkbox"/> Other (specify):            Refusal to vacate consent decree &amp; remedial orders, and to replace them with proposed consent decree.         </div> </div>	<b>3. Relief</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="checkbox"/> Damages:  <input type="checkbox"/> Sought: \$ _____  <input type="checkbox"/> Granted: \$ _____  <input type="checkbox"/> Denied: \$ _____         </div> <div style="width: 48%;"> <input type="checkbox"/> Injunctions:  <input type="checkbox"/> Preliminary  <input type="checkbox"/> Permanent  <input type="checkbox"/> Denied              Vacate existing consent decree and remedial orders. Enter the proposed consent decree in their place.         </div> </div>
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**PART C: NATURE OF SUIT (Check as many as apply)**

<b>1. Federal Statutes</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Antitrust  <input type="checkbox"/> Bankruptcy  <input type="checkbox"/> Banks/Banking  <input checked="" type="checkbox"/> Civil Rights  <input type="checkbox"/> Commerce  <input type="checkbox"/> Energy  <input type="checkbox"/> Commodities  <input type="checkbox"/> Other (specify): _____         </div> <div style="width: 30%;"> <input type="checkbox"/> Communications  <input type="checkbox"/> Consumer Protection  <input type="checkbox"/> Copyright <input type="checkbox"/> Patent  <input type="checkbox"/> Trademark  <input type="checkbox"/> Election  <input type="checkbox"/> Soc. Security  <input type="checkbox"/> Environmental         </div> <div style="width: 30%;"> <input type="checkbox"/> Freedom of Information Act  <input type="checkbox"/> Immigration  <input type="checkbox"/> Labor  <input type="checkbox"/> OSHA  <input type="checkbox"/> Securities  <input type="checkbox"/> Tax         </div> </div>	<b>2. Torts</b> <input type="checkbox"/> Admiralty/ <input type="checkbox"/> Maritime <input type="checkbox"/> Assault / <input type="checkbox"/> Defamation <input type="checkbox"/> FELA <input type="checkbox"/> Products Liability <input type="checkbox"/> Other (Specify): _____	<b>3. Contracts</b> <input type="checkbox"/> Admiralty/ <input type="checkbox"/> Maritime <input type="checkbox"/> Arbitration <input type="checkbox"/> Commercial <input type="checkbox"/> Employment <input type="checkbox"/> Insurance <input type="checkbox"/> Negotiable <input type="checkbox"/> Instruments <input type="checkbox"/> Other Specify _____	<b>4. Prisoner Petitions</b> <input type="checkbox"/> Civil Rights <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Mandamus <input type="checkbox"/> Parole <input type="checkbox"/> Vacate Sentence <input type="checkbox"/> Other
<b>5. Other</b> <input type="checkbox"/> Hague Int'l Child Custody Conv. <input type="checkbox"/> Forfeiture/Penalty <input type="checkbox"/> Real Property <input type="checkbox"/> Treaty (specify): _____ <input type="checkbox"/> Other (specify): _____	<b>6. General</b> <input type="checkbox"/> Arbitration <input type="checkbox"/> Attorney Disqualification <input type="checkbox"/> Class Action <input type="checkbox"/> Counsel Fees <input type="checkbox"/> Shareholder Derivative <input type="checkbox"/> Transfer	<b>7. Will appeal raise constitutional issue(s)?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  Will appeal raise a matter of first impression? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

1. Is any matter relative to this appeal still pending below? <input type="checkbox"/> Yes, specify: _____ <input checked="" type="checkbox"/> No			
2. To your knowledge, is there any case presently pending or about to be brought before this Court or another court or administrative agency which:			
(A) Arises from substantially the same case or controversy as this appeal?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
(B) Involves an issue that is substantially similar or related to an issue in this appeal?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, state whether <input type="checkbox"/> "A," or <input type="checkbox"/> "B," or <input type="checkbox"/> both are applicable, and provide in the spaces below the following information on the <i>other</i> action(s):			
Case Name:	Docket No.	Citation:	Court or Agency:
Name of Appellant:			
Date: 1/15/2025	Signature of Counsel of Record: <i>Paul J. Coleman</i>		

**NOTICE TO COUNSEL**

**Once you have filed your Notice of Appeal with the District Court or the Tax Court, you have only 14 days in which to complete the following important steps:**

1. Complete this Civil Appeal Pre-Argument Statement (Form C); serve it upon all parties, and file it with the Clerk of the Second Circuit in accordance with LR 25.1.
2. File the Court of Appeals Transcript Information/Civil Appeal Form (Form D) with the Clerk of the Second Circuit in accordance with LR 25.1.
3. Pay the \$505 docketing fee to the United States District Court or the \$500 docketing fee to the United States Tax Court unless you are authorized to prosecute the appeal without payment.

**PLEASE NOTE: IF YOU DO NOT COMPLY WITH THESE REQUIREMENTS WITHIN 14 DAYS, YOUR APPEAL WILL BE DISMISSED. SEE LOCAL RULE 12.1.**